

**FLEHR  
HOHBACH  
TEST  
ALBRITTON  
& HERBERT LLP**

*Intellectual Property Law*

**FACSIMILE TRANSMITTAL SHEET**

Telephone: (415) 781-1989

Telecopier: (415) 398-3249

**FAX RECEIVED**  
DEC 04 2001  
**GROUP 1600**

#17

**TO:** EXAMINER CHRISTOPHER CHIN, GROUP ART UNIT 1641  
U.S. Patent and Trademark Office  
**FAX NO.:** (703) 308-4242

**FROM:** Robin M. Silva (Reg. No. 38,304)  
**ATTY DOCKET NO.:** A-70197/RMS/AXG/JML  
**SERIAL NO.:** 09/438,600  
**APPLICANT:** Motorola, Inc.  
**FILING DATE:** 12 November 1999

**OFFICIAL**

**Number of Pages:** 7 (including transmittal sheet)  
**DATE SENT:** 4 December 2001

**MESSAGE:** PLEASE HAND DELIVER TO EXAMINER CHRISTOPHER CHIN  
Dear Examiner Chin:

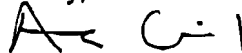
Per your telephone conversation with Anna Gil, today, 4 December 2001, please find included herewith:

- 1) a copy of the Petition For Withdrawal From Issue Under 37 C.F.R. 1.313(a); and
  - 2) a Petition To Withdraw Petition For Withdrawal From Issue Under 37 C.F.R. 1.313(a),
- concerning the above-identified application.

Per the above telephone conversation, we understand that you will make a determination on the pending Petitions, and consider the Supplemental Information Disclosure Statement (IDS), submitted 28 September 2001, prior to the due date for payment of the issue fee, 20 December 2001, in the above-identified application; and will provide a copy of the Examiner's notes concerning the determination on the Petitions, along with the considered Supplemental IDS.

Applicants thank Examiner Chin for the informative and helpful discussion regarding the pending petition and Information Disclosure Statement.

Sincerely,



Anna Gil, Reg. No. 46,726 for  
Robin M. Silva, Reg. No. 38,304

**IMPORTANT/CONFIDENTIAL:** This facsimile communication is intended only for the use of the individual or entity to which it is addressed. The following pages contain information which may be privileged and/or confidential. If the reader of this facsimile is not the intended recipient, or the employee or agent responsible for delivering the facsimile to the intended recipient, you are hereby notified that any disclosure of the contents, or dissemination or distribution of this facsimile to others, or copying of this communication, is strictly prohibited. If you have received this communication in error, please telephone us immediately at (415) 781-1989 and return all copies of this facsimile to us by mail. We thank you for your cooperation.

IF YOU RECEIVE ILLEGIBLE COPIES, NOTIFY THIS OFFICE IMMEDIATELY. Return text to AXG

**FLEHR  
HOHBACH  
TEST  
ALBRITTON  
& HERBERT  
LLP**

**FACSIMILE TRANSMITTAL SHEET**

Telephone: (415) 781-1989

FAX: (415) 398-3249

4 Embarcadero Center  
Suite 3400  
San Francisco, CA  
94111-4187

*Intellectual Property Law*

TO:

Technology Center 1600

FAX NO.:

(703) 308-4556

FROM:

Jennifer Lane for Robin Silva

RE/FILE NO.:

09/438,600

Number of Pages:

5 (including transmittal sheet)

DATE SENT:

11/29/01

COMMENTS:

Attached is a copy of the Petition for  
Withdrawal from Issue, mailed 11/1/01, a copy of the  
mailed check & postcard. Please indicate receipt of the  
facsimile by faxing back the postcard copy with  
an indication of receipt.

This facsimile communication is intended only for the use of the individual or entity to which it is addressed. The following pages contain information which may be privileged and/or confidential. If the reader of this facsimile is not the intended recipient, or the employee or agent responsible for delivering the facsimile to the intended recipient, you are hereby notified that any disclosure of the contents, or dissemination or distribution of this facsimile to others, or copying of this communication, is strictly prohibited. If you have received this communication in error, please telephone us immediately at (415) 781-1989 and return all copies of this facsimile to us by mail. We thank you for your cooperation.

IF YOU RECEIVE ILLEGIBLE COPIES, NOTIFY THIS OFFICE IMMEDIATELY.

Return to

Jennifer Lane

**PATENT**

Attorney Docket No.: A-70197/RMS/RMK/JML

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of:

Chan-Long SHIEH, et al.

Serial No.: 09/438,600

Filing Date: 12 November 1999

For: *Biochannel Assay for  
Hybridization with  
Biomaterial*

Examiner: M. PHAM

Group Art Unit: 1641

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 1 November 2001

Signed: \_\_\_\_\_

Todd V. LEONE

**PETITION FOR WITHDRAWAL FROM ISSUE UNDER 37 C.F.R. 1.313(a)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants hereby petition the Commissioner for withdrawal of the above-identified application from issuance pursuant to 37 CFR 1.313(a). The issue fee, which is due 20 December 2001, has not been paid.

**Serial No.:** 09/438,6000  
**Filing Date:** 12 November 1999

Applicants enclose a copy of the Information Disclosure Statement and Statement of Relatedness and Patent and Trademark Office Form PTO-1449 identifying the prior art. Copies of such art were sent to the U.S. Patent and Trademark Office on September 28, 2001.

The following Remarks set forth the reasons why withdrawal of the application from issuance is deemed necessary. Our Check No. 38300 in the amount of \$130.00 is enclosed herewith to pay the requisite petition fee under 37 C.F.R. 1.17(h). The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 06-1300 (Order No. A-70197/RMS/RMK/JML).

REMARKS

On 28 September 2001, an Information Disclosure Statement was sent to the Office for consideration. This was eight days after the Notice of Allowance and Issue fee due was sent out by the Office. Thus, Applicants intended this art to be considered prior to issuance. Accordingly, we are withdrawing the case from issue to allow that art to be considered.

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

Date: 1 November 2001

By: Robin M. Silva  
Robin M. SILVA  
Reg. No. 38,304  
Attorneys for Applicants

Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Tel.: (415) 781-1989  
Fax: (415) 398-3249

FLEHR HOHBACH TEST ALBRITTON AND HERBERT LLP

COMMISSIONER OF PATENTS

Invoice Date	Invoice No.	Matter ID
11/1/2001	RMS/RMK/JML	70197-000-A

11/1/2001

38300

Invoice
130.00

38300

Check Total 130.00

ORIGINAL DOCUMENT IS PRINTED ON CHEMICAL REACTIVE PAPER &amp; HAS A MICROPRINTED BORDER

FLEHR HOHBACH TEST ALBRITTON  
AND HERBERT LLP4 EMBARCADERO CENTER, SUITE 3400  
SAN FRANCISCO, CA 94111  
(415) 781-1989UNION BANK OF CALIFORNIA  
400 California Street  
San Francisco, CA 94104

11-49/1210

38300

One Hundred Thirty &amp; No/100 Dollars

PAY  
TO THE  
ORDER  
OF

COMMISSIONER OF PATENTS

DATE	AMOUNT
11/1/2001	130.00

FLEHR HOHBACH TEST ALBRITTON AND HERBERT LLP

*John Rodman*

AUTHORIZED SIGNATURES

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

11038300 11210004971 1170008703

**FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP**

File No. A-70197/RMS/RMK/JML

Applicant(s): Chan-Long SHIEH, et al.  
Serial No.: 09/438,600  
For: *Biochannel Assay for Hybridization with Biomaterial*

Please acknowledge receipt of the enclosed:

① Petition for Withdrawal from Issue Under 37 C.F.R. 1.313(a)

② Check No. 38300 in the amount of \$130.00

by imprinting the Patent Office "date stamp" hereon and returning to the addressee indicated on the reverse.

Due date: N/ADate of mailing: 1 November 2001

#18

## PATENT

Attorney Docket No.: A-70197/RMS/AXG/JML

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Chan-Long SHIEH, et al.	)	Examiner:	C. CHIN
Serial No.:	09/438,600	)	Group Art Unit:	1641
Filing Date:	12 November 1999	)		
For:	<i>Biochannel Assay for Hybridization with Biomaterial</i>	)		

BY FACSIMILE 4 December 2001PETITION TO WITHDRAW PETITION FOR WITHDRAWAL  
FROM ISSUE UNDER 37 C.F.R. 1.313(a)Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to a telephone conversation with Examiner Chin on 4 December 2001, Applicants hereby petition the Commissioner for withdrawal of the Petition for Withdrawal from Issuance in the above-identified application. The issue fee, which is due 20 December 2001, has not been paid.

Applicants enclose a copy of the Petition for Withdrawal from Issue, mailed 1 November 2001, and also faxed to Technology Center 1600 on 29 November 2001. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 06-1300 (Order No. A-70197/RMS/AXG/JML).

Respectfully submitted,  
FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLPDate: 4 December 2001By: Anna Gil, Reg. No. 46,726 for  
Robin M. Silva, Reg. No. 38,304Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Tel.: (415) 781-1989  
Fax: (415) 398-3249

SF-1089595v1